Registered Accountants Bill.

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B I L L

TO

Provide for the Registration of Professional Accountants in Great Britain and Ireland, and for other purposes connected therewith. A.D. 1912.

WHEREAS it is expedient to provide for the registration of persons practising as professional accountants in Great Britain and Ireland so as to distinguish qualified from unqualified persons and otherwise to amend the law as to persons so practising:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Registered Accountants Act, 1912. Short title.

2. In this Act— Definitions.

"The registers" means the Registers of Accountants in England and Wales, Scotland, and Ireland, directed to be kept under this Act;

"The registrars" means the persons for the time being appointed to be or to perform the duties of registrars under this Act;

"Professional accountant" means any person who is registered under this Act and the term "person" includes male and female.

REGISTRATION.

3. Registers of the names of persons practising as professional accountants in England and Wales, Scotland, and Ireland shall be kept subject to the provisions of this Act by the registrars in Registers of persons practising as professional accountants.

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books to be styled the Registers of Professional Accountants in England and Wales, Scotland, and Ireland.

Persons entitled to be registered.

4. The following persons shall (subject to the provisions of this Act herein-after contained) be entitled to be registered under this Act:— 5

(1) All persons who are now or who shall become members of the Institute of Chartered Accountants in England and Wales, the Society of Incorporated Accountants and Auditors, the Corporation of Accountants, Limited, the Society of Accountants in Edinburgh, the Institute 10 of Accountants and Actuaries in Glasgow, the Society of Accountants in Aberdeen, the Institute of Chartered Accountants in Ireland, the Institution of Certified Public Accountants, Limited, the London Association of Accountants, Limited, and the Central Association 15 of Accountants, Limited, from lists to be supplied by the councils thereof:

(2) Any person who (although not a member of any of the bodies mentioned in this Act) shall *within six months from the passing of this Act* give notice in writing 20 to the registrar in that part of the United Kingdom in which he resides, and *within twelve months from the passing of this Act* proves to the satisfaction of the registrar that he was in public practice as an accountant in the United Kingdom *at the passing of* 25 *this Act*, subject, nevertheless, to the provisions of section eight of this Act, and any person refused registration under this subsection may appeal to the High Court in England or Ireland or the Court of Session in Scotland as the case may be. 30

Persons entitled to be registered on passing examinations under this Act.

5. Any person (not being a person entitled to be registered under the preceding provisions of this Act) shall be entitled (subject, nevertheless, to the provisions of section eight of this Act) to be registered under this Act on producing or transmitting to the registrar a certificate of any society mentioned in this Act 35 that he has passed such examination as the said society shall from time to time prescribe, and that he has served under articles to an accountant practising in the United Kingdom and registered or entitled to be registered under this Act for not less than five years, or in the case of a graduate of any university 40 in the United Kingdom for not less than three years, and that

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he has attained the age of twenty-one years; or in the case of any person not serving articles who at *the passing of this Act* may not have completed the final examination of the society mentioned in this Act to which he belongs, he shall be entitled to be registered on passing such final examination within three years *of the passing of this Act*, and to have his name placed on the register as a professional accountant.

Registrars and custody of register.

6. The registrars shall be appointed by the Board of Trade, who shall frame rules and regulations for the proper keeping of the registers and the guidance and conduct of the registrars so far as these are not provided for in this Act, and shall be independent of any of the bodies mentioned in this Act.

The registrar for England and Wales shall have his office in London. The registrar for Scotland shall have his office in Edinburgh, and the registrar for Ireland shall have his office in Dublin, and the registrars shall be remunerated as may be prescribed by the Board of Trade.

Identity of accountant bodies.

7. Each body mentioned in this Act shall retain its own organisation, and all persons registered under this Act shall be styled "registered accountant," but any person may adopt the particular designation or initials of the society of which he is a member.

Power to refuse registration in certain cases.

8. A registrar may refuse to register under this Act—

(1) any person who has been excluded from membership of any body of accountants in this Act mentioned or referred to:

(2) any person who has been suspended from membership of any body of accountants in this Act mentioned or referred to, so long as suspension continues:

(3) any person who is proved to the satisfaction of the council of the body of which he is a member—

(*a*) to have been convicted of any misdemeanor in or beyond the United Kingdom or to have been declared by any court of competent jurisdiction in or beyond the United Kingdom to have committed any fraud;

(*b*) to have been guilty of any act or default discreditable to a professional accountant;

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(*c*) to have been adjudged bankrupt, or individually or as a partner to have made an assignment for the benefit of creditors, or to have made any arrangement for the payment of a composition to creditors, after the commencement of this Act;

(*d*) to be following any business or occupation other than that of a professional accountant, or some business which is incident thereto or consistent therewith: Provided that, where, at the date of *the passing of this Act* the practice of a professional accountant is being carried on in combination with some other business, then the provisions of this subsection relative to the following or entering into any other business or occupation shall not apply to a person registered under this Act who continues to carry on that same combined business.

Correction of registers.

9.—(1) The registrars shall from time to time insert in the registers any alteration which may come to their knowledge or be reported to them by any of the societies, in the name or address or description of any person registered.

(2) The registrars shall remove from the registers the name of every deceased person.

(3) The registrars may remove from the registers the names of any persons who have ceased to practise but not (save as hereinafter provided) without the consent of those persons.

(4) In the execution of his duties under this section the registrar shall act on such evidence as in each case appears to him sufficient.

Removal of name from register.

10. Any registrar may remove from his register the name of any person which has been erroneously or fraudulently entered, and the name of any person who shall be excluded or suspended from the membership of any of the bodies in this Act mentioned or referred to, and the name of any other person (not being a member of any such body) who has been guilty of any offence or misconduct or has committed any act or default which would justify the registrar in refusing to register him under this Act, and the name of any person who has failed to pay within six months after a written demand in that behalf from the registrar any fee due from him under the provisions of this Act.

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11. Where the name of a person has been removed from the register it shall not be again entered in the register except by order of the High Court in England or Ireland or the Court of Session in Scotland as the case may be.

Restoration of name to register.

5 **12.** The registrars shall cause lists of all persons on the registers to be from time to time, and at least once a year, printed under their direction and published and sold.

Publication and sale of lists of persons on register.

13. A copy of such register for the time being purporting to be printed and published in pursuance of this Act shall be 10 evidence in all cases (until the contrary be made to appear) that the persons therein named are on the register, and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not on the register: Provided that in the case of any person whose name 15 does not appear in such copy, a certified copy under the hand of the registrar of the entry of the name of such person in the register shall be evidence that such person is on the register.

Evidence of registration.

Offences and Legal Proceedings.

14. From and after *the thirty-first day of December nineteen* 20 *hundred and twelve* it shall not be lawful for any person whose name is not on the register—

Prohibition of unregistered persons using title of registered accountant, &c.

(*a*) to take or use any name, title, description or addition, by letters or otherwise, stating or implying that he is a registered accountant: or

25 (*b*) to hold himself out to the public as ready to undertake for pay the exercise of any function prescribed by law as having to be exercised by a professional accountant.

Any person acting in contravention of this section shall be 30 liable to a fine not exceeding *twenty pounds*, and to a further fine not exceeding *one pound* for every day on which the offence is repeated after conviction.

15. From and after *the thirty-first day of December nineteen hundred and twelve* it shall not be lawful for any person not being 35 a member of one or other of the bodies of accountants mentioned in this Act to take or use any title, description, or initials by letters or otherwise, stating or implying that he is a member of any such body, or in any way whatsoever to hold himself out as being a member of any such body.

Prohibition of persons falsely describing themselves as members of any of the bodies mentioned in this Act.

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Any person acting in contravention of this section shall be liable to a fine not exceeding *twenty pounds*, and to a further fine not exceeding *one pound* for every day on which the offence is repeated after conviction.

Penalty for obtaining registration by false representation.

16. Any person who wilfully procures or attempts to procure himself to be placed on the register by making or producing or causing to be made or produced, any false or fraudulent declaration, certificate, or representation, either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanour, and shall, on conviction thereof, be liable to a fine not exceeding *fifty pounds*, or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Penalty for wilful falsification of register.

17. If the registrar wilfully makes or causes to be made any falsification in any matter relating to the register he shall be deemed guilty of a misdemeanour and shall be liable to a fine not exceeding *fifty pounds*, or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Prosecution of offences and recovery of fines.

18. All offences under this Act may be prosecuted and all fines may be recovered in a summary manner under the Summary Jurisdiction Acts.

Restriction on prosecution.

19. A prosecution under this Act may be instituted by the council of any of the bodies mentioned in this Act, but shall not be instituted by a private person without the written consent of the council of the body of which such private person is a member.

Service of notices by post.

20.—(1) Any notice or document required by or for the purpose of this Act to be sent may be sent by post, and when sent to any person registered under this Act shall be deemed to be properly addressed if addressed to him at his registered address, and shall be deemed to be properly served if so addressed and put into the post.

(2) Any notice relating to the removal by the registrar from the register of the name of any member or relating to the refusal by the registrar to register any person shall be sent by post as a registered letter.

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Registered Accountants.

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B I L L

To provide for the Registration of Professional Accountants in Great Britain and Ireland, and for other purposes connected therewith.

Presented by Sir Frederick Low,

supported by

Mr. Hay Morgan, Mr. Chiozza Money, Mr. Bonford and Mr. Winfrey.

Ordered, by The House of Commons, *to be Printed,*

4 *June* 1912

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To be purchased either directly or through any Bookseller from
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